

JAMES LARKIN KETCHERSID, JR.,

Plaintiff,

vs.

BRETT MURPHY,

Defendant.

THIS MATTER is before the Court on Plaintiff's *pro se* Letter [Doc. 7], in which he seeks leave to amend the Complaint.

The *pro se* incarcerated Plaintiff filed this civil rights action pursuant to 42 U.S.C. § 1983 addressing incidents that allegedly occurred at the Marion Correctional Institution. In the Letter, Plaintiff requests leave to “amend” his Complaint by supplementing it with updated information and allegations. [Doc. 7 at 1]. He has not filed a proposed Amended Complaint.

A plaintiff may amend the complaint once as a matter of course within 21 days after serving the complaint, or within 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), which is earlier. Fed. R. Civ. P. 15(a)(1). A plaintiff may

subsequently amend with permission from the court which “shall be freely granted when justice so requires.” Fed. R. Civ. P. 15(a)(2).

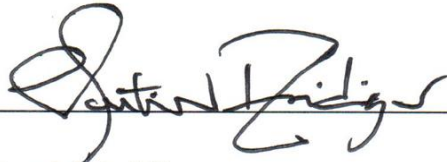
The Motion will be denied because piecemeal amendment will not be permitted. However, this denial is without prejudice to the Plaintiff amending his Complaint within thirty (30) days of this Order. The Plaintiff must submit his Amended Complaint on a § 1983 form, clearly identify the Defendant(s) against whom he intends to proceed, and set forth facts describing how each Defendant allegedly violated his rights. See generally Fed. R. Civ. P. 10(a). Any Amended Complaint will be subject to all timeliness and procedural requirements and will supersede the original Complaint. If the Plaintiff fails to timely amend his Complaint in accordance with this Order, the Court will proceed with initial review of the original Complaint [Doc. 1].

IT IS, THEREFORE, ORDERED that the Plaintiff’s Letter [Doc. 7] is construed as a Motion to Amend and is **DENIED WITHOUT PREJUDICE** to the Plaintiff amending his Complaint within **thirty (30) days** from the entry of this Order. If Plaintiff fails to amend the Complaint in accordance with this Order and within the time limit set herein, the Court will proceed with initial review of the original Complaint [Doc. 1].

The Clerk is instructed to mail Plaintiff a blank prisoner § 1983 complaint form along with a copy of this Order.

IT IS SO ORDERED.

Signed: June 30, 2021

A handwritten signature in black ink, appearing to read "Martin Reidinger", written over a horizontal line.

Martin Reidinger
Chief United States District Judge

